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Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/48/L.61 and A/C.3/48/L.67)

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Draft resolution A/C.3/48/L.58

1. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.58 entitled "Situation of human rights in the Islamic Republic of Iran" had no programme budget implications.

2. Mr. ISSA (Egypt) said that he had reservations about operative paragraphs 4 and 5 of the draft resolution. Justice should be administered within the framework of respect for the religious and cultural values of the society in question. His delegation would support the draft resolution on the basis of respect for human rights throughout the world.

3. Mr. SAHRAOUI (Algeria) said that he had some objections to operative paragraph 5 of the draft resolution. In relation to the case referred to in that paragraph, Algeria had already expressed its dissatisfaction with irreverent references which discredited the values of Islam. Freedom of expression and its corollaries formed part of the development of human civilization and the enrichment of the universal cultural heritage. Anything which had the result of promoting intolerance and division among human beings infringed upon the inviolability of conscience and convictions, and such fundamental human rights as freedom of expression. Algeria supported the universal condemnation of all forms of terrorism and believed that it was essential, in all circumstances, to preserve the sacred right to life, a concept that was inherent in the teachings of Islam and in the universal heritage of human rights.

4. A recorded vote was taken.

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt,

Finland, France, Gambia, Germany, Greece, Guatemala, Guyana, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Russian Federation, Rwanda, Samoa, San Marino, Slovenia, Spain, Suriname, Swaziland, Sweden, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Pakistan, Qatar, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam.

Abstaining: Albania, Angola, Belarus, Benin, Bhutan, Bulgaria, Burkina Faso, Burundi, Colombia, Côte d'Ivoire, Cyprus, El Salvador, Fiji, Georgia, Ghana, Guinea-Bissau, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Maldives, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Papua New Guinea, Philippines, Poland, Republic of Korea, Republic of Moldova, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Solomon Islands, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Zimbabwe.

5. Draft resolution A/C.3/48/L.58 was adopted by 68 votes to 22, with 45 abstentions.

6. Mrs. MBELLA NGOMBA (Cameroon) said that if her delegation had been present during the voting, it would have abstained.

7. Mr. ANDRIYAKA (Ukraine) said that his delegation had abstained in the vote because there was a clear lack of cooperation between the Islamic Republic of Iran and the United Nations in the area of human rights.

8. New strategies of cooperation must be found and an objective and transparent dialogue established in order to find appropriate solutions and implement United Nations recommendations on the subject.

9. Mr. SERGIWA (Libyan Arab Jamahiriya) said that the draft resolution was not well balanced because it had not taken into account either the information supplied by the Government of his country to the Special Rapporteur or Islamic law, which stipulated that capital punishment could be imposed in certain cases, for example, against drug traffickers, since that was not a violation of human rights, but a means of protecting society. It was clear that the political objective sought had been to undermine Iran's prestige, and his delegation had therefore voted against the draft resolution.

(Mr. Sergiwa, Libyan Arab Jamahiriya)

10. His delegation's vote should not be interpreted as acceptance of human rights violations in the world; however, it was necessary to be objective and neutral and to respect the religious and national characteristics of different countries.

11. Mr. ALI (Iraq) said that if it had been present during the voting, his delegation would have voted against the draft resolution.

Draft resolution A/C.3/48/L.60

12. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.60 entitled "International year for the World's Indigenous People 1993" had no programme budget implications and that Denmark had become a sponsor.

Draft resolution A/C.3/48/L.60 was adopted.

13. Ms. MURUGESAN (India) said that her delegation had joined in the consensus even though the situation referred to in the draft resolution was not universal. In some countries there were problems for historical reasons, but in most countries, as in India, there were entire populations which were indigenous. That situation should not be overlooked by a world organization such as the United Nations, particularly in its publications and in preparations for the International Decade of the World's Indigenous People. Furthermore, the exercise of rights by indigenous peoples should not be detrimental to the enjoyment by the other citizens of a country of their legitimate rights.

14. Mr. LINDGREN (Brazil) said that his delegation had been unable to sponsor the draft resolution because it had reservations about the language of the ninth preambular paragraph and of operative paragraph 11, which could prejudge important decisions still to be taken by the United Nations on that complex issue. Brazil would have preferred the formulations used in previous texts which had been approved by consensus.

Draft resolution A/C.3/48/L.61

15. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.61 entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" had no programme budget implications, and that Luxembourg, the Philippines and Slovakia had become sponsors of the draft resolution.

Draft resolution A/C.3/48/L.61 was adopted.

16. Mr. KUEHL (United States of America) said that, although his delegation had joined in the consensus, it did not fully support all the recommendations contained in the reports referred to in the draft resolution.

Draft resolution A/C.3/48/L.62/Rev.1

17. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.62/Rev.1 entitled "Situation of human rights in Somalia" had no programme budget implications.

18. He announced that Andorra, Canada, Ethiopia, Guinea, Japan, Luxembourg, the Netherlands, New Zealand, Sierra Leone, Slovakia and Spain had become sponsors of the draft resolution.

19. Mr. CHIREH (Djibouti) said that he wished to amend to the French text in order to bring it into line with the original English text. In the fifth preambular paragraph, the indefinite article "des" should be replaced by the definite article "les" before the phrases "organisations humanitaires", "organisations non gouvernamentales", "pays de la région" and "organisations régionales". Furthermore, a comma should be added after the word "gouvernamentales" in the last line of that paragraph.

Draft resolution A/C.3/48/L.62/Rev.1 was adopted without a vote.

20. Mrs. LIMJUCO (Philippines) said that, if the draft resolution had been put to a vote, her delegation would have abstained. The reason was that the existing mechanisms, with sufficient support, could carry out the functions which, it was hoped, the human rights monitors would discharge.

21. Mrs. SEMAFUMU (Uganda) said that, although her delegation had supported the draft resolution, she had reservations about paragraph 5 because she felt that it was premature.

22. Mr. ARDOURI (Iraq) said that, if the draft resolution had not been adopted by consensus, his delegation would have expressed reservations about paragraph 5.

23. Mr. YOUSIF (Sudan) said that the inclusion of paragraph 5 was premature and that the draft resolution did not take account of all the human rights offences and violations in Somalia.

Draft resolution A/C.3/48/L.63

24. The CHAIRMAN said that draft resolution A/C.3/48/L.63 entitled "National institutions for the promotion and protection of human rights" did not have programme budget implications. In addition, he pointed out that in the second line of the ninth preambular paragraph the phrase "emphasizing the universality, indivisibility and interdependence of all human rights," should be added after the words "national level".

25. Mrs. ARIAS (Colombia), Mrs. MBELLA-NGOMBA (Cameroon), Mr. CASTELLANOS-CARRILLO (Guatemala), Mrs. LIMJUCO (Philippines), Ms. DIOP (Senegal) and Ms. CORNETTE (Guyana) said that they wished to join the sponsors of the draft resolution.

26. The CHAIRMAN said that after the first line in paragraph 2 of the operative part of the English version, the word "development" should read "developing".

Draft resolution A/C.3/48/L.63, as orally amended, was adopted without a vote.

27. Mr. NERVIK (Norway), speaking on behalf of the five Nordic countries with regard to the draft resolution just adopted, said that while they considered that national institutions were highly important for the effective implementation of the universal principles of human rights, those countries regretted that their views had not been reflected in paragraph 6. The Voluntary Fund had primarily been established to support activities designed to build up or strengthen national and regional human rights infrastructures, and requests addressed to it had always been subject to specific guidelines.

28. The Nordic countries took it that the adoption of that draft resolution would imply that any requests in accordance with paragraph 6 would be tested on the same merits as other requests for technical assistance from the Fund. It was important to remember that the Fund's resources were limited and that it was essential to ensure a solid financial basis. As major donors to the Fund, the Nordic countries strongly stressed the need to follow established procedures in order to ensure the Fund's financial basis.

Draft resolution A/C.3/48/L.64

29. The CHAIRMAN said that the draft resolution entitled "Internally displaced persons" did not have programme budget implications. In addition, he pointed out that Angola, Canada, Ethiopia, Honduras, Peru, Rwanda and Slovakia wished to join its sponsors.

30. Draft resolution A/C.3/48/L.64 was adopted without a vote.

Draft resolution A/C.3/48/L.65/Rev.1

31. The CHAIRMAN said that draft resolution A/C.3/48/L.65/Rev.1, entitled "Situation of human rights in the Sudan", did not have programme budget implications. Canada and Honduras wished to join the sponsors.

32. Ms. KAMAL (Secretary of the Committee) said that the sponsors of draft resolution A/C.3/48/L.65/Rev.1 wished to include the following new operative paragraph after paragraph 1: "Takes note of paragraph 24 of the report of the Special Rapporteur for the Sudan (A/48/601), in which he states that 'The Government of the Sudan cooperated with the Special Rapporteur by arranging the meetings he had requested. ... The Government of the Sudan further facilitated visits to the locations the Special Rapporteur wished to see.'".

33. Mr. YOUSIF (Sudan) said that, although the productive and extensive consultations on the proposed amendment were a step in the right direction and while the paragraph just read out by the Secretary of the Committee was acceptable, his delegation would still vote against draft resolution A/C.3/48/L.65/Rev.1. His delegation had hoped that the second proposal, which took note of the agreements concluded between the Sudan, the United Nations and international non-governmental organizations, would also be accepted, which would have enhanced the humanitarian and relief situation in the most affected areas of his country.

34. He requested that a separate vote should be taken on the eleventh preambular paragraph, operative paragraph 12 and the paragraph just read out, which was to be inserted after paragraph 1.

35. Mr. TROTTIER (Canada) said that his delegation wished to join the sponsors.

36. Mrs. MBELLA NGOMBA (Cameroon) said that she would appreciate it if the representative of the Sudan explained, before the vote, whether he had requested a separate vote on those paragraphs because he was not in agreement with them or, for the opposite reason, since one of them, the new operative paragraph, had been proposed by his own delegation.

37. Mr. YOUSIF (Sudan) said that he had requested a separate vote because the paragraphs referred to reflected the real situation, which was not the case with regard to the other paragraphs in the draft resolution. The Sudan urged delegations to support those three paragraphs and vote against draft resolution A/C.3/48/L.65/Rev.1.

38. A recorded vote was taken on the eleventh preambular paragraph.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland,

Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: None.

39. The eleventh preambular paragraph was adopted by 148 votes to none, with no abstentions.

40. A recorded vote was taken on paragraph 12.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Cuba, Chad, Chile, China, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: None.

41. Paragraph 12 was adopted by 148 votes to 0.

42. A recorded vote was taken on paragraph 1 (bis).

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Seychelles.

43. Paragraph 1 (bis) was adopted by 147 votes to 0, with 1 abstention.

44. A recorded vote was taken on draft resolution A/C.3/48/L.65/Rev.1.

In favour: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Chile, Colombia,

Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: China, Cuba, India, Indonesia, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, El Salvador, Guinea-Bissau, Jamaica, Kenya, Lao People's Democratic Republic, Malaysia, Maldives, Mali, Mauritania, Mozambique, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Senegal, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia.

45. Draft resolution A/C.3/48/L.65/Rev.1 was adopted by 102 votes to 11, with 31 abstentions.

Draft resolution A/C.3/48/L.66

46. The CHAIRMAN said that the draft resolution, entitled "Plight of street children", had no programme budget implications, and that Afghanistan, Andorra, Cambodia, Guinea, Guinea-Bissau, Guyana, Honduras, India, Iraq, Jamaica, Monaco, Namibia, Nepal, Nicaragua, Niger, Pakistan, Republic of Moldova, Thailand, Togo and Uruguay had joined the list of sponsors.

47. Mr. PELUFO (Uruguay) said that his country had been an early supporter of the inclusion in the Third Committee's agenda of the item on the rights of children living under especially difficult circumstances, including armed conflicts; the resolutions to be adopted on that item would fill a gap in the General Assembly's agenda. For those reasons, Uruguay had joined the sponsors of the draft resolution.

48. Draft resolution A/C.3/48/L.66 was adopted.

Draft resolution A/C.3/48/L.67

49. The CHAIRMAN said that the draft resolution, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" had no programme budget implications, and that Guinea-Bissau, India, Senegal, Sudan and Sierra Leone had joined the list of sponsors.

50. Draft resolution A/C.3/48/L.67 was adopted.

51. Mr. HIZAWA (Japan), explaining his delegation's position on the draft resolution just adopted, which it endorsed, said that, none the less, Japan maintained its views concerning the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Draft resolution A/C.3/48/L.69

52. The CHAIRMAN said that the draft resolution, entitled "Human rights in the administration of justice", had no programme budget implications, and that Albania, Andorra, Nicaragua, Senegal and Uganda had joined the list of sponsors.

53. Draft resolution A/C.3/48/L.69 was adopted.

Draft resolution A/C.3/48/L.70

54. The CHAIRMAN said that the draft resolution, entitled "Situation of human rights in Myanmar", had no programme budget implications, and that Lithuania had joined the list of sponsors.

55. Mr. MIN (Myanmar) said that the draft resolution was totally unacceptable to his country. In the first place, it constituted a flagrant attempt to interfere in the internal affairs of Myanmar, in violation of the principle embodied in Article 2, paragraph 7, of the Charter of the United Nations and recognized in innumerable instruments and resolutions. In essence, the draft resolution was intended to dictate to Myanmar the manner in which it should handle its affairs. Secondly, both the spirit and the letter of the draft resolution ran counter to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights; in particular, it disregarded the principles of impartiality, objectivity and non-selectivity in the promotion of human rights world wide, which had been reaffirmed in the Vienna Declaration. Thirdly, it contained the most negative possible interpretation of the historic changes currently taking place in Myanmar, especially those relating to the National Convention, which his Government had convened with a view to fulfilling the aspirations of the people for a democratic State.

56. The seventh preambular paragraph and paragraphs 2 and 7 were based on unsubstantiated allegations of torture and summary and arbitrary executions which invariably emanated from anti-Government sources. His Government's detailed replies to those allegations were found in paragraph 26 of document A/48/578. As to the alleged "oppressive measures" taken against ethnic and religious minorities, his Government afforded equal treatment to all races and

(Mr. Min, Myanmar)

religions; he recalled that when Mrs. Sadako Ogata had visited Myanmar in 1990 as an independent expert appointed by the Chairman of the Commission on Human Rights, she had submitted reports stating categorically that, from the standpoint of religious tolerance, Myanmar could be regarded as a model society.

57. The sixth preambular paragraph and paragraphs 3 and 6 were nothing but an ill-disguised attempt to compel Myanmar to abandon its chosen path to democracy through the mechanism of the National Convention, and to transfer power to the representatives elected in 1990, whose mandate had not been to form a government, but to draft a new constitution. Such an attempt was not only tantamount to interference in the internal affairs of Myanmar, it also sowed dissent and division among the participants in the National Convention.

58. The eighth preambular paragraph and paragraph 14 disregarded many positive developments which had taken place in Myanmar in the past year and did not reflect the current situation in his country. His Government's national reconciliation policy had restored peace and tranquillity to 97 per cent of the country, thus greatly diminishing the number of citizens who crossed the border in search of temporary shelter.

59. As to paragraph 4, the Special Rapporteur had never stated, with regard to the National Convention, that no evident progress had been made towards turning over power to a freely elected civilian Government. What the Special Rapporteur had stated was that the composition, procedure and other measures taken in connection with the National Convention seemed to indicate that the constitutional process was not heading towards multi-party democracy as announced by the Government - an assessment which his delegation deemed to be wholly erroneous. The Special Rapporteur had emphasized that, since he had had no time to study carefully the information which he had gathered during his visit to Myanmar, his observations were still preliminary.

60. With regard to paragraph 5, he said that delegates to the National Convention included representatives of all the national races, representatives of the legally authorized political parties, members elected in the 1990 elections and people from all strata of Myanmar society. The procedure regarding the participation of delegates to the National Convention was reproduced in document A/48/578. With regard to the role to be played by the defence services in the future political life of the State, he stressed that since the time of the struggle for independence, the armed forces had always shouldered their responsibility of ensuring the non-disintegration of the Union and of national solidarity and the consolidation of national sovereignty. It would continue to do so in the future.

61. Paragraph 8 appealed to Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He reaffirmed that although not yet a party to the Covenants his country abided by all those

(Mr. Min, Myanmar)

provisions and principles which were taken from the Charter of the United Nations and the Universal Declaration of Human Rights.

62. Paragraph 10 claimed that recent sentences meted out to a number of people were harsh. Given the nature of the offences committed, details of which appeared in document A/48/578, paragraph 26, the sentences could in no way be considered harsh. As to paragraphs 11 and 12 of the draft resolution, it was the primary responsibility of every Government to uphold the rule of law and civil order in the country and, although a certain individual had been placed under restraint for infringing the law, hundreds of other people who no longer posed a threat to the security of the State had been released. The Government had been obliged to take legal action against some other people, including a few delegates to the National Convention, not because of their political beliefs but because their actions could have derailed the constitutional process. With regard to paragraph 15, Myanmar considered that it was for the Special Rapporteur of the Commission on Human Rights to deal with the portions of the draft concerning human rights and not for the Secretary-General.

63. Lastly, he said that in deference to the Chairman and to those countries which had shown goodwill towards Myanmar his delegation had decided not to ask for a vote on the draft resolution.

64. Mr. MARRERO (United States of America) said that his country joined the consensus to adopt draft resolution A/C.3/48/L.70, which contained important information on the deplorable human rights situation in Myanmar. One aspect of the situation was the problem of refugees from Arakan province, who languished in Bangladesh. He welcomed the agreement on a Memorandum of Understanding between the State Law and Order Restoration Council (SLORC) and the United Nations High Commissioner for Refugees. However, the United States believed that, strong though it was, the draft resolution should have requested the Secretary-General to use his good offices to promote a peaceful solution of the outstanding issues among all the parties concerned. His delegation favoured the appointment by the Secretary-General of a special envoy to supplement the fact-finding mandate of the Special Rapporteur; such an envoy would focus on resolving conflicts on the basis of national reconciliation and the restoration of democracy, which was the best hope for long-term stability in Myanmar.

65. It was crucial to recognize the direct link between the SLORC's military forces and the human rights violations in Myanmar. It was very regrettable that the resolution did not urge Member States to consider what policies they might adopt voluntarily to lessen the ability of the SLORC's military forces, bolstered by continuing arms purchases, to brutalize the religious and ethnic minorities and oppress the rest of the citizenry. The specialized agencies operating in Myanmar, which represented the last major source granting international assistance to the SLORC, should take special care to ensure that all the funds expended in that country reached the intended recipients and did not enrich the SLORC leaders or the military forces.

(Mr. Marrero, United States)

66. For all those reasons the United States delegation had not joined the list of sponsors of the draft resolution. The time had come for Myanmar's military rulers to put an end to human rights abuses, to implement the results of the 1990 election and to release unconditionally Aung San Suu Kyi and other political prisoners.

67. Draft resolution A/C.3/48/L.70 was adopted without a vote.

68. Mr. ASAHI (Japan) said that his delegation welcomed the adoption of the draft resolution, which clearly indicated the desired goals of achieving both respect for human rights and democratization in Myanmar. The Government of Japan hoped that the Government of Myanmar would take further measures to improve the human rights situation and urged it to continue to cooperate with the international community in response to the resolution.

Draft resolution A/C.3/48/L.71

69. The CHAIRMAN said that draft resolution A/C.3/48/L.71, entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities", had no programme budget implications. He announced that Costa Rica, Guinea-Bissau, Iceland, India, Kyrgyzstan, Latvia, Nepal, Senegal and the United States had joined the list of sponsors.

70. Draft resolution A/C.3/48/L.71 was adopted without a vote.

71. Ms. FERTEKLIGIL (Turkey) wished to reiterate her statement before the Committee regarding Turkey's position in relation to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

72. Mr. VOLSKI (Georgia) said that both the legislation of his country and the very origins of Georgian nationhood prevented any restrictions on the human rights of minorities. Problems arose when "dirty policies" began to dominate the situation. The communist regime was dead, but its heritage still created obstacles for the Republics which sought their independence. The draft resolution that had been adopted, of which Georgia had joined the list of sponsors, confirmed the principles of mutual understanding, patience and love which could help mankind to survive.

Draft resolution A/C.3/48/L.72

73. The CHAIRMAN said that the draft resolution, entitled "Human rights in Haiti", had no programme budget implications. He announced that the following new operative paragraph 11 had been added:

> "Deeply concerned by the increase in acts of violence and intimidation against the Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, which have contributed to the temporary withdrawal of the International Civilian Mission."

74. Mrs. Da SILVA (Venezuela) said that it was not a new operative paragraph, but should be inserted between the ninth and tenth preambular paragraphs.

75. The CHAIRMAN announced that Andorra, Belize, Cambodia and Honduras had joined the list of sponsors.

76. Mrs. Da SILVA (Venezuela) said that since Haiti was not mentioned among the sponsors she wished to put on record that Haiti had signed the original list of sponsors and that the omission had been only drawn to the attention of the Secretariat.

77. Draft resolution A/C.3/48/L.72 was adopted without a vote.

78. Mrs. ROMULUS (Haiti) said that her delegation wished to give special thanks to the Venezuelan delegation for its continuing interest in Haiti's cause, and hoped that the national sectors concerned, political leaders and the international community would not only adopt, but also implement the principles which they claimed to have always fought for, since in the final years of the twentieth century no people should have to live indefinitely under tyranny and injustice, in ignorance and poverty.

Draft resolution A/C.3/48/L.73

79. The CHAIRMAN said that the draft resolution entitled "Situation of human rights in Afghanistan" did not have any programme budget implications. He recalled that an oral amendment had been made to paragraph 10 and that the words "and in particular" had been inserted in the prepenultimate line after the words "as well as".

80. Draft resolution A/C.3/48/L.73 as orally amended was adopted.

81. Mr. GHAFOORZAI (Afghanistan) said that his delegation wished to state that the Islamic State of Afghanistan appreciated the concern and endeavours of Mr. Ermacora who for quite a number of years had been striving to report on the situation of human rights in Afghanistan. The Islamic State of Afghanistan had provided all necessary assistance to Professor Ermacora in the discharge of his mandate and would continue to do so until such time as the Organization decided that such efforts were no longer necessary and therefore terminated his mandate. His delegation regretted nevertheless that some of the information he had obtained was based on isolated reports which had not been confirmed or corroborated by an exhaustive investigation.

82. The Islamic State of Afghanistan was prepared to cooperate with the countries concerned, in a spirit of good will and mutual trust, in order to resolve the humanitarian question relating to prisoners of war and persons missing as a result of war, as referred to in the report.

Draft resolution A/C.3/48/L.75

83. The CHAIRMAN said that draft resolution A/C.3/48/L.75 entitled "Situation of human rights in Cambodia" had no programme budget implications. He announced that New Zealand, Canada and Uruguay had joined the sponsors. He recalled that the text had been orally amended, thus the words "article 5 of Part III of the" would be deleted from the fifth preambular paragraph and in the first line of paragraph 4 the words "from existing funds" would be inserted after the words "necessary resources".

84. Mr. FENN (United Kingdom) said that his country would join the sponsors of draft resolution A/C.3/48/L.75.

85. The draft resolution, as orally amended, was adopted.

Draft resolution A/C.3/48/L.76

86. The CHAIRMAN said that draft resolution A/C.3/48/L.76 entitled "Human rights and mass exoduses" had no programme budget implications and announced that Andorra had joined the sponsors.

87. Draft resolution A/C.3/48/L.76 was adopted.

88. Mrs. MURUGESAN (India) said that the wording of the draft resolution could have been more acceptable. It would have better reflected the current consensus if the text had referred to the Secretary-General's report in the context of resolution 47/120 B. She pointed out that the concept of "preventive diplomacy" was still linked to the maintenance of international peace and security, and that it would be premature to link it to the issue of protection of the flows of refugees without duly taking into account the possible repercussions. Although India had joined the consensus, its support should not be construed as an expression of support for expanding the role of the Office of the United Nations High Commission for Refugees which, in accordance with the principles of the Charter, should focus on the rehabilitation of refugees, and not on the factors causing exoduses of refugees which, as the resolution noted, might be "multiple and complex" and not altogether unconnected to the specific characteristics of each situation.

Draft resolution A/C.3/48/L.42

89. The CHAIRMAN said that draft resolution A/C.3/48/L.42 entitled "Human rights and terrorism", had no programme budget implications.

90. Mr. FERTEKLIGIL (Turkey) said that the sponsors of the amendments to the draft resolution which were contained in document A/C.3/48/L.52 had decided to withdraw them, on the clear understanding that the draft resolution was without prejudice, to the right of peoples under colonial or other forms of alien domination or foreign occupation to take any legitimate action in accordance with the United Nations Charter in order to realize their inalienable right to

(Mr. Fertekligil, Turkey)

self-determination. That should not be construed as authorizing or encouraging any action aimed at dismembering or impairing totally or in part the territorial integrity or political unity of independent States.

91. Mr. YOUSIF (Sudan) said that his delegation wished to join the sponsors of the draft resolution.

92. Mr. JAAFARI (Syrian Arab Republic) said that his delegation had tried to settle the differences between the views of the sponsors and those of other delegations and that his main concern had been to ensure that the text of the draft resolution was more balanced, with the aim of achieving a genuine consensus.

93. The statement made by the representative of Turkey recognized the difference between terrorism and the struggle of peoples to eliminate foreign occupation and their right to resort to legitimate actions in accordance with the United Nations Charter with a view to achieving self-determination. Furthermore, the Vienna Declaration stressed that denial of such a right constituted a violation of human rights, and General Assembly resolution 46/51 stated that it was possible to enhance the efficiency of the struggle against terrorism by arriving at a universally acceptable definition of international terrorism.

94. It was surprising that some of the sponsors of the draft resolution rejected the reference to international documents which had been adopted by consensus, and he hoped that that did not mean that resolutions adopted by consensus in the Committee were not to be relied on.

95. Mr HAHM (Republic of Korea) said that his delegation wished to join the sponsors of the draft resolution.

96. Mr. MARRERO (United States of America) said that while his delegation did not wish to stand in the way of the consensus, it felt that it would have been better to consider the resolution in the Sixth Committee.

97. Draft resolution A/C.3/48/L.42 was adopted.

98. Mrs. FOSTIER (Belgium), explaining her position on behalf of the European Union, said that the European Union would have preferred the question to have been examined in the Sixth Committee, since the most appropriate context for dealing with terrorism was the struggle against international crime.

99. The European Union condemned all acts of terrorism and believed that there were no circumstances - not even legitimacy of the desired goal - that justified resorting to terrorist violence. It was to be regretted that the sponsors of the draft resolution had not taken into account the proposals made by the European Union and that they had not drawn attention to the violations of the human rights of those who were themselves victims of terrorist acts.

100. Mrs. STROM (Sweden) said that her country supported the struggle against terrorism and that however contemptible the crimes committed by terrorists might be, it was correct to assert, as was done in the resolution, that they constituted violations of human rights, as those acts could not be attributed to States. In that respect, it was of the greatest importance that all States should observe norms relating to human rights when combating terrorism.

101. Mr. TROTIER (Canada) said that, although he had joined the consensus on the resolution, he believed that consideration of the issue in the Third Committee duplicated the work of the Sixth Committee.

102. Mr. KHAN (Pakistan) said that his delegation was resolutely opposed to terrorism in all its forms and agreed that there was a need for close international cooperation to prevent, combat and eliminate it. Pakistan, however, had consistently maintained that the draft resolution under consideration should in no way prejudice the right to self-determination, freedom and independence of peoples under colonial domination or foreign occupation, in accordance with the Charter of the United Nations, the relevant General Assembly resolutions, particularly resolution 46/51, and the statement adopted at the Summit meeting of the movement of non-aligned countries held in Jakarta in September 1992. While Pakistan would have liked a clearer enunciation of that principle, it had decided to join the consensus in view of the assurances provided in that respect by the sponsors.

103. Mr. ATASHI (Israel) said that his delegation had always felt that the question of terrorism, which had been considered for many years in the Sixth Committee, should continue to be dealt with in that body. Nevertheless, since the resolution contained many positive elements which Israel supported, it had decided to join the consensus.

Draft resolution A/C.3/48/L.65/Rev.1

104. Mr. AL-DOURI (Iraq) said that he had not been present during the vote on draft resolution A/C.3/48/L.65/Rev.1. The other member of his delegation had not had time to consider the text and had voted against the draft resolution. Nevertheless, Iraq's official position had been to vote in favour of it and he wished to have that reflected in the summary record.

105. Mr. YOUSIF (Sudan), speaking in explanation of vote after the vote, said that the three paragraphs adopted had been proposed by his Government, which had always cooperated with the Special Rapporteur and the United Nations machinery in the field of human rights.

106. The issue of human rights in the Sudan had been brought for the second time before the Committee at the insistence of certain countries. The situation of human rights in the Sudan did not justify the draft resolutions adopted or the measures taken by the General Assembly and the Commission on Human Rights. The Special Rapporteur had not presented a convincing case concerning human rights violations and, none the less, some countries had launched a campaign of vilification, which had been supported by other interests. Various measures had

(Mr. Yousif, Sudan)

been adopted to exert extreme pressure on the Sudan in order to force it to submit to certain policies. What was essentially a conflict of policies and views between the Sudan and other countries was cynically being projected as a human rights issues. If the international community wished to enjoy the confidence and support of small countries, multilateral institutions must act in an objective and unbiased manner free from selectivity in dealing with the issues of human rights, security and development. The means employed by the great Powers in addressing the question of human rights, which currently occupied a prominent place in international life, lacked balance and reflected the political and strategic interests of those Powers.

107. There were various non-coercive approaches open to the international community in pursuing the issue of human rights. The more advisable course was dialogue and persuasion, but that approach had not been followed in the case of the Sudan. The use of threats, coercion and economic strangulation, obstruction of the ongoing peace process and abuse of the United Nations machinery cast doubt on the Organization's objectivity and neutrality.

108. The Amnesty International Report 1993 contained numerous facts about the situation of human rights in some of the States that had sponsored draft resolution A/C.3/48/L.65/Rev.1 and a comparison between the various countries in that regard clearly favoured the Sudan. For all those reasons, his delegation had voted against the draft resolution.

109. Mr. SERGIWA (Libyan Arab Jamahiriya) said that draft resolution A/C.3/48/65/Rev.1 was based only on the political motivations of some countries that wished to isolate and exert pressure on the Sudan. His delegation had voted against the draft resolution because it was not balanced. Its vote should not be interpreted to mean that it supported the violation of human rights. In that regard, his country had always acted in accordance with the Universal Declaration of Human Rights and advocated constructive dialogue.

Draft resolution A/C.3/48/L.49

110. The CHAIRMAN drew attention to the draft resolution entitled "Strengthening of the Centre for Human Rights of the Secretariat" and said that Albania, Belarus, Cambodia, the former Yugoslav Republic of Macedonia, Guyana, Niger, the Philippines, Sierra Leone, Slovakia and Togo wished to join the sponsors.

111. Mr. DRAKAKIS (Greece), introducing draft resolution A/C.3/48/L.49, said that the Third Committee was the Main Committee of the United Nations dealing with human rights and the body that determined the mandate of the Centre for Human Rights within the framework of the human rights programme and was responsible for ensuring that the proper resources were available to the Centre in order to carry out those activities in full and on time. The sponsors of the draft resolution felt that it was necessary to draw attention to the seriousness and urgency of the financial situation facing the human rights programme and pointed out that the Centre's mandate embraced all the activities in that

(Mr. Drakakis, Greece)

programme and had been expanded through the new responsibilities resulting from the World Conference on Human Rights.

112. The report before the Committee (A/48/589) indicated that most of the new Professional posts included by the Secretary-General in the proposed programme budget for 1994-1995 would cover the posts already provided to the Centre in 1992-1993 on a temporary basis. Therefore, paragraph 2 of the draft resolution requested the Secretary-General to make additional proposals in order to further increase the resources of the human rights programme in 1994-1995.

113. The World Conference on Human Rights had initiated numerous new activities, including better coordination of human rights activities within the United Nations system, stepped-up work aimed at the universal ratification of the human rights instruments, enhancement of the advisory services and technical assistance programme and increased activities relating to racial discrimination and xenophobia, torture and the human rights of women, children, minorities and indigenous peoples. In order to be able to carry out all those new activities, the Centre must be provided with additional resources. In that context, the Vienna Declaration and Programme of Action called for a considerable increase in resources from the regular budget for activities in the field of human rights. In order to make it clear that the strengthening of the Centre should not be carried out at the expense of United Nations development programmes and activities, the phrase "without diverting resources from development programmes and activities of the United Nations" had been added at the end of paragraph 6 of the draft resolution.

114. Just as the World Conference had reached all continents, the general awareness of the need to strengthen the Centre for Human Rights had also spread throughout the international community, as could be seen from the large number of sponsors of the draft resolution from all the geographical groups. The time had come to respond to the needs of the international community by showing that the Vienna Declaration and Programme of Action were not only "words", but also deeds. His delegation was confident that draft resolution A/C.3/48/L.49, as orally amended, would be adopted without a vote.

115. Mr. FERNANDEZ PALACIOS (Cuba), referring to paragraphs 2 and 6 of the draft resolution, requested that a statement of its financial implications should be submitted to the Committee. The views of the Director of the Programme Planning and Budget Division and the Controller should be submitted on paragraphs 1 and 3 of part B, section VI, of resolution 45/248, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters.

Draft resolution A/C.3/48/L.68/Rev.1

116. Mr. ALBIN (Mexico) introducing draft resolution A/C.3/48/L.68/Rev.1 entitled "Situation of human rights in El Salvador" on behalf of Colombia, Costa Rica, El Salvador, France, Guatemala, Honduras, Spain, Sweden, United States of America, Venezuela and his own country, said that the revised text was the product of intensive negotiations among all the parties concerned.

117. The effort being made by Salvadorian society to consolidate the process of national reconciliation and democratization deserved the support of the international community. Accordingly, the draft resolution called upon all Governments to support compliance with the Peace Accords. It also urged the international financial institutions to contribute promptly and generously in order to finance the National Reconstruction Plan.

Draft resolution A/C.3/48/L.65/Rev.1

118. Ms. AL-HAMANI (Yemen) said that at a previous meeting her delegation had already explained its position concerning the vote on draft resolution A/C.3/48/L.65/Rev.1 to the effect that it would not vote on separate paragraphs and did not understand how its vote could be recorded in voting in which it had not participated and would not have participated in any case, and not in the vote on the draft resolution as a whole.

The meeting rose at 6.10 p.m.